

REMARKS/ARGUMENTS

Favourable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

The Examiner has noted some typographical errors in the text and accordingly paragraphs on pages 2, 8, 9 and 11 have been amended. It should be noted that the Examiner noted a inconsistency on page 9 wherein two things were referred to as "14". The first reference to 14 has been deleted and the second remains because 14 refers to the volume wherein a parachute or other aerodynamic surfaces may be stowed. In regard to pages 11, 13, 15 and 16 it appears that scanning problems may have occurred and accordingly a fresh set of these pages is attached hereto.

In accordance with the Examiner's requirement claims 19, 38, 45 have been amended so that each word has a proper antecedent basis. It is respectfully submitted that the claims as amended now meet the requirements of 35 U.S.C. § 112. The Examiner has also noted some missing letters on some of the claim pages and with the reprinting of the claims above all letters should now be apparent.

The Examiner has rejected claims 19, 30 and 31 as being anticipated by Faget et al. The Examiner is requested to reconsider the rejection in view of the above amendments and the following comments.

The Faget et al. patent is directed to a space capsule that "is carried skyward by the launching motor ... until at a predetermined altitude, or velocity, suitable for orbital injection, the explosive bolts 52 are fired and the pedestal clamp ring 51 separated. Concurrently therewith, the posigrade rockets 45 are fired thereby to separate the capsule 11 from the launching motor." (Column 4 lines 37 - 43). Clearly, this capsule is not adapted to be launched from a space orbiting platform as claimed in amended claim 1. Further there is nothing in the Faget space capsule that is comparable to the

robotic interface adapted to be releasably connected to the robotic interface of the space orbiting platform and there is nothing that is comparable to tie down mechanism adapted to releasably attach the housing to the space orbiting platform.

It is respectfully submitted that Faget et al. does not have all of the features of claim 19 as amended. Further there is nothing in Faget et al. that would lead someone skilled in the art to add the features set out in revised claim 19. Accordingly it is respectfully submitted that claim 19 is patentable over Faget et al.

The Examiner has rejected claims 19 and 30 - 32 as being unpatentable over Harris et al. The Examiner is requested to reconsider the rejection in view of the above amendments and the following comments.

The Harris et al. capsule is directed to a capsule that will land on earth. Much attention is directed to the capsule being able to withstand the impact when it hits the earth. In column 6 line 23 - 27, Harris refers to an embodiment that was designed for the purposes of test, specifically drop testing from a hot air balloon. However, aside from this reference to drop testing, Harris et al. is silent in regard to how the capsule would be launched either from a hot air balloon, in the Mars Sample Return mission or from any other platform. There is nothing in the patent that is directed to launching the capsule from a space orbiting platform, nor is there anything in regard to a structure that would be associated with such a launch. Specifically there is nothing in the Harris capsule that is related to a tie down mechanism adapted to releasably attach the housing to the space orbiting platform, a robotic interface adapted to be releasably connected to the robotic interface of the space orbiting platform and a launch mechanism attachable to the outside of the housing. Further there is nothing in Harris et al. that would lead someone skilled in the art to modify Harris to obtain the invention herein as claimed in amended claim 19.

Accordingly it is respectfully submitted that the invention as claimed in amended claim

19 is patentable over Harris et al. Similarly it is submitted that all claims dependent on amended claim 19 are patentable.

The Examiner has rejected claims 38 - 40 and 42 - 45 as being unpatentable over Mockovciak Jr. However, in addition the Examiner has indicated that claim 41 is allowable if rewritten. Accordingly claim 38 has been rewritten to incorporate the limitation of claim 41 and therefore it is respectfully submitted that claim 38 is now allowable. Further it is submitted that all claims dependent on claim 38 are similarly allowable.

Applicant submits that the amendments to the application are to more clearly and succinctly recite and claim the present invention. It is respectfully submitted that no new matter has been added by these amendments and all the amendments are supported by the original specification as a whole.

It is respectfully submitted that the application is now in condition for allowance, which is requested.

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Respectfully submitted,

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